

Serial No. 10/824,500

Attorney Docket No. 01-619

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REMARKS

Counsel for the applicant wishes to thank the examiner for the courtesy of the telephone interview on April 3, 2008. The following constitutes a summary of the issues discussed at the interview.

Claims 33-52 are pending. Claims 1-32 have been canceled. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

I. Form 982

The examiner is reminded that one of the references he cited, European Patent Pub. No. EP1101670, Losey ("Losey") is not listed in any Notice of References Cited, Form PTO-892. Accordingly, Losey is not yet of record. The examiner is again respectfully requested to formally make Losey of record by listing Losey in a Notice of References Cited, Form PTO-892, as required, and forwarding a copy of the Form to the undersigned at the earliest opportunity.

Furthermore, it is respectfully submitted that the rejections relying on Losey must be withdrawn so long as Losey is not of record.

II. Rejections under 35 USC 102(b) and 35 USC 103(a)

Claims 33-35, 40-41, 44 and 47 were rejected under 35 USC 102(b) as being anticipated by European Patent No. 0582081, Matsumoto ("Matsumoto"). Claims 36-37 were rejected under 35 USC 103(a) as being unpatentable over Matsumoto in view of U.S. Patent Application Pub. No. 2298071, Weskow ("Weskow"). Claim 38 was rejected under 35 USC 103(a) as being unpatentable over Matsumoto in view of European Patent Pub. No EP1101670, Losey

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("Losey").¹ Claim 39 was rejected under 35 USC 103(a) as being unpatentable over Matsumoto in view of U.S. Patent No. 7,027,915, Craine ("Craine"). Claim 42 was rejected under 35 USC 103(a) as being unpatentable over Matsumoto and U.S. Patent No. 6,232,874, Murphy ("Murphy"). Claim 43 was rejected under Matsumoto and Murphy, further in view of Weskow. Claims 45-46 and 48-49 were rejected under 35 USC 103(a) as being unpatentable over Matsumoto in view of UK Patent Application Pub. No. 2,298,071, Drori ("Drori"). Insofar as the rejections might be applied to the claims as amended, the rejections are respectfully traversed for reasons including the following, which are provided by way of example.

Matsumoto is directed to a personal data recording and reproducing device for use in a vehicle. According to Matsumoto, a user enters his password into the device, and the password is checked whether the person is permitted to use the device. (Col. 3, lines 12-20.) If the password identifies a non-admitted person, then input and output of data is prohibited. (Col. 3, lines 12-20.) If the password does not identify a non-admitted person, then in the case of an output request, the password reads-out data stored under the password and outputs the data. (Col. 3, lines 21-22, 37-47.) Public data can be freely inputted and outputted with no password. (Col. 3, lines 53-55.) If an output request is given without entering a password, then data is read-out from open information. (Col. 4, lines 3-9.)

Independent claims 33, 44 and 47 are amended to further distinguish differences from Matsumoto. Support for the amended language is located in the application as filed, for example, page 7, lines 4-7 and 14-22; page 9, lines 8-13; and Fig. 3-4.

Independent claim 33 recites, for example, "a privacy switch configured to switch to a privacy mode from an unrestricted use mode based on an unauthenticated switch operation to

¹ Losey is not yet of record, because it has not been listed in a Form PTO-892, even though Losey was first cited by the examiner. The examiner is again urged to list Losey in a notice of References Cited, Form PTO-892.

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thereby deactivate the unrestricted use mode and activate the privacy mode while locking further activation of the unrestricted use mode that is unauthenticated, wherein: when the privacy mode is activated, any access to the personal positional information is prohibited regardless of authentication or lack of authentication, until the unrestricted use mode is activated, and when the unrestricted use mode is activated, access to the personal positional information is permitted regardless of authentication or lack of authentication, until the privacy mode is activated..” (See also independent claims 44, 47.) Accordingly, the area for privacy can be used in two manners corresponding to the privacy mode and unrestricted use mode, by switching between both modes. In privacy mode, access to personal positional information (e.g., a private area) is prohibited regardless of the authentication, until unrestricted use mode is activated. In unrestricted use mode, the access is permitted regardless of the authentication, until privacy mode is activated.

To the contrary, in summary, Matsumoto fails to teach or suggest a privacy switch that switches between a privacy mode and an unrestricted use mode for particular information stored in memory. Please refer to Attachment A’ attached hereto, illustrating a comparison of an embodiment according to the present claims with Matsumoto.

More particularly, Matsumoto fails to teach or suggest, in combination, for example:

- switching “to a privacy mode from an unrestricted use mode.”
- switching modes is “based on an unauthenticated switch operation.”
- deactivating the unrestricted use mode and activating the privacy mode while locking “further activation of the unrestricted use mode” that is unauthenticated, when privacy mode is switched on from unrestricted use mode.
- when the privacy mode is activated, any access to the information of personal

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significance is prohibited regardless of authentication or lack of authentication,
until the unrestricted use mode is activated.

- when the unrestricted use mode is activated, access to the information of personal significance is permitted regardless of authentication or lack of authentication,
until the privacy mode is activated.

A. Matsumoto: No technology switching between privacy mode and unrestricted use mode for a particular memory area

The office action, as best understood, argues that Matsumoto has an area needing a password (privacy mode area) and a second area not needing a password (unrestricted mode area). Matsumoto's access control area (ACA) needing a password is at a fixed area, e.g., an area for privacy, whereas Matsumoto's free public area not needing a password is in a different fixed area. In other words, once private data is stored in the privacy mode area, it is not moved to the unrestricted use mode area (i.e., the public area).

In contrast, in the claims, the area for privacy can be used in two manners corresponding to the privacy mode and unrestricted use mode by switching between both modes.

B. Matsumoto: Access to privacy mode area with authentic password

In Matsumoto, as in conventional systems, access to data in the privacy mode area can be permitted by using authentic password each time.

In contrast, in the present claims, once the privacy mode is activated, an access to the private data (the personal positional information) is not permitted regardless of whether there was or was not an authenticated password. Furthermore, in the present claims, once the unrestricted use mode is activated, access to the private data (the personal positional information)

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is permitted without the password.

None of the other references disclose anything which could even be argued to be something like a privacy switch which switches between the modes as further recited.

Hence, Matsumoto and/or the other references, alone or in combination, fail to teach or suggest the combination of features recited in the independent claims, when considered as a whole.

With respect to the dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from the new independent claims, but also because of additional features they recite in combination.

New dependent claims 50-52 are added, and are deemed to be patentable for reasons including those provided above, as well as new features recited therein. Support for the new claims is located in the application as filed, for example, page 8, line 8 to page 9, line 1; Figures 5A and 5B; page 7, lines 13-22; and Figures 3-4.

Furthermore, new claim 52 recites that "the privacy switch is further configured to switch to the unrestricted use mode from the privacy mode based on a switch operation only when the switch operation is thereafter authenticated." The cited references fail to teach or suggest the combination of (i) a switch operation and (ii) authentication "thereafter" to switch from privacy mode to an unrestricted use mode. Matsumoto, to the contrary, merely discloses a password to permit access to data. Accordingly, claim 52 is deemed to be patentable over the references for this additional reason.

The applicant respectfully submits that, as described above, the cited art does not show or suggest the combination of features recited in the claims. The applicant does not concede that the cited art shows any of the elements recited in the claims. However, the applicant has

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provided specific examples of elements in the claims that are clearly not present in the cited art.

The applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the cited art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicant has provided examples of why the claims described above are distinguishable over the cited references.

In view of the foregoing, the applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



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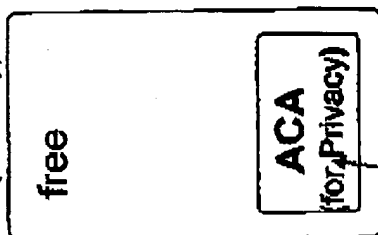
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Prior Art

(Stefan, Matsumoto)

One Area fixed for Free;
One Area fixed for Privacy

(Memory)



Access Controlled Area
(accessible with PIN)

(However, no description of how
to set up the area; namely
ACA looks default or fixed)

Present Application

A'

One Predetermined Area can be
designated as either
"Privacy mode" area or "Unrestricted Use mode" area

Switchable

Privacy mode is activated
(e.g., Valet Parking)

Unrestricted Use mode
is activated

